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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,102	07/25/2003	Stanley Chincheck	84,150	2238
26384	7590	12/28/2005	EXAMINER	
NAVAL RESEARCH LABORATORY ASSOCIATE COUNSEL (PATENTS) CODE 1008.2 4555 OVERLOOK AVENUE, S.W. WASHINGTON, DC 20375-5320			ZIA, SYED	
			ART UNIT	PAPER NUMBER
			2131	
DATE MAILED: 12/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/627,102	CHINCHECK ET AL.	
	Examiner	Art Unit	
	Syed Zia	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to application filed on October 03, 2005. Original application contained Claims 1-20. Applicant cancelled Claims 1-20, and added new claims 21-25. The amendment filed have been entered and made of record. Therefore, Claims 24-25 are pending for consideration.

Response to Amendment

Specification

2. The disclosure is objected to because of the following informalities:

The amendment to the specification filed on October 03, 2005 does not comply with the paragraph number of the disclosure. Applicant requested to replace the paragraph [0034] instead of paragraph [0035] with the amended text. Appropriate correction is requested to correct the typing error.

Drawings

Regarding Drawing objection applicant argued that:

“item S18 of FIG. 7 is not identical to item S20 of FIG. 7 because the description in paragraph (0042) is not identical to the description in paragraph (0043) of the specification”.

This is not found persuasive, because the Corrected Drawings submitted by the applicant on June 17, 2004 pursuant to the Notice to File Corrected Application Papers, where applicant

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substituted formal drawings in compliance with 37 CFR 1.84 and 37 C.F.R. 1.136(a) still shows the discrepancy as mentioned in previous objection, therefore:

the drawings are objected to because of a discrepancy between a description of a drawing in the specification and the drawing itself. Specifically, in Figure 7, item S20 is described as “the high wrapper receives an acknowledgment from the high application program. In the drawing itself, item S20 has an identical description to S18, which is stated as “high wrapper sends an application message to the high application program”.

Claim Rejections - 35 USC § 112

Claims 22, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “ a first number X of computers”, and “ a second number Y of computers” render the claim indefinite. The term “ a first number X of computers”, and “ a second number Y of computers” is not defined by the specification, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention because positive integers refers to all whole number greater than zero, and the positive integers are a subset of the natural numbers, depending on whether or not 0 is considered a natural number.

A telephone call was made to Attorney's office on December 21, 2005 (202-767-3427) to request an interview to resolve the above rejection requirement, but did not result in an examiner amendment due to time constraint.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SZ

December 22, 2005